

¹ This court has jurisdiction to consider and deny as meritless a Rule 60(b) motion when an appeal is pending. *See Fobian v. Storage Tech. Corp.*, 164 F.3d 887, 891 (4th Cir. 1999).

allegations as true for the purposes of the motion, they would not have made any difference in the resolution of the case.

Accordingly, for the reasons stated, it is **ORDERED** that the Motion is DENIED.

ENTER: July 23, 2007

/s/ JAMES P. JONES
Chief United States District Judge